

DECISION



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THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-212381

DATE: August 5, 1983

MATTER OF: Stainbrook Bros. Rustproofing, Inc.

DIGEST:

GAO does not consider small business size status protests since by law conclusive authority over matter is vested in Small Business Administration.

Stainbrook Bros. Rustproofing, Inc. (SBR), protests the award of a contract to B&B Chemical Co. (B&B) under solicitation No. DAKF19-83-B-0070, a small business set-aside issued by the United States Army Contract Division, Fort Riley, Kansas. SBR contends that B&B is ineligible to compete as a small business.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) has conclusive authority to determine matters of small business size status for Federal procurement purposes. Therefore, our Office does not consider size status protests. See Bid Protest Procedures, 4 C.F.R. § 21.3(g)(2), added by 48 Federal Register 1932 (1983); Randall Manufacturing Company, Inc., B-211861, June 9, 1983, 83-1 CPD 640.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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